MONTANA LEGISLATIVE HISTORY

Chapter 201 1979

Bill H _____ S 118 Original bill & history ✓ C

H. Committee on Natural Resources

Hearing Date(s) 3-5 ___C

_____ ___C

_____ ___C

_____ ___C

Date Out 3-5 ___C

S. Committee on Natural Resources

Hearing Date(s) 1/22 ___C

out 1/22 ___C

_____ ___C

_____ ___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

CHAPTER NO. 201

SENATE BILL NO. 118

INTRODUCED BY NELSON

BY REQUEST OF THE CODE COMMISSIONER

IN THE SENATE

January 16, 1979	Introduced and referred to Committee on Natural Resources.
January 23, 1979	Committee recommend bill do pass. Report adopted.
January 24, 1979	Printed and placed on members' desks.
January 25, 1979	Second reading, do pass.
January 26, 1979	Considered correctly engrossed.
January 27, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

January 29, 1979	Introduced and referred to Committee on Natural Resources.
March 5, 1979	Committee recommend bill be concurred in and be placed on Consent Calendar.
March 7, 1979	Third reading Consent Calendar concurred in.

IN THE SENATE

March 9, 1979	Returned from second house. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

Senate BILL NO. 118

INTRODUCED BY NELSON

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO MINERALS, OIL, AND GAS; AMENDING SECTIONS 82-1-108, 82-4-142, 82-4-252, 82-4-304, 82-4-332, 82-10-201, 82-11-131, AND 82-15-202, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 82-1-108, MCA, is amended to read:

"82-1-108. Filing record of work performed. (1) Within 3 months from the day any firing of shotpoints in ~~such~~ geophysical exploration is done by any person, firm, or corporation within this state, such person, firm, or corporation shall file with the county clerk and recorder of the county in which ~~such~~ the work was done a record showing each township and range within ~~said~~ the county in which ~~such~~ the work was performed and the approximate date ~~at~~ on which ~~such~~ the work was performed.

(2) Such person, firm, or corporation shall file with ~~said~~ the county clerk and recorder a record showing the location of each ~~such~~ shotpoint and date fired within a maximum area of any square, 4-section area of land, upon written request ~~therefor by said~~ of the county clerk and recorder, ~~which~~ The request must be based upon the complaint of a property owner that physical ~~damages~~ damage to ~~such~~ his property ~~have arisen by reason of~~ has resulted from the use of the seismograph and explosives in ~~such~~ geophysical operations at some location within ~~said~~ the maximum 4-square mile area, and ~~such written notice~~ the request shall designate the name and address of the complaining person and ~~shall describe~~ the approximate date ~~of the alleged damages~~ and ~~the~~ nature of the alleged damages. The required record of operations in response to ~~such written demand therefor by~~ the request of the county clerk and recorder shall be supplied within 10 days from the date on which ~~such written demand~~ the request is received."

Section 2. Section 82-4-142, MCA, is amended to read:

"82-4-142. Mandamus to compel enforcement. (1) A resident of this state, with knowledge that a requirement of this part or a rule adopted under this part is not being enforced by a public officer or employee whose duty it is to enforce the requirement or rule, may bring the failure to enforce to the attention of the public officer or employee by a written statement under oath that shall state the specific facts of the failure to enforce the requirement or rule. Knowingly making false statements or charges in the affidavit subjects the affiant to penalties prescribed ~~under the law of perjury~~ in 45-7-202.

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(2) If the public officer or employee neglects or refuses for an unreasonable time after receipt of the statement to enforce the requirement or rule, the resident may bring an action of mandamus in the district court of the first judicial district of this state in and for the county of Lewis and Clark or in the district court of the county in which the land is located. ~~The~~ If the court ~~if it~~ finds that a requirement of this part or a rule adopted under this part is not being enforced, it shall order the public officer or employee whose duty it is to enforce the requirement or rule to perform his duties. If he fails to do so, the public officer or employee shall be held in contempt of court and is subject to the penalties provided by law."

Section 3. Section 82-4-252, MCA, is amended to read:

"82-4-252. Mandamus. (1) A resident of this state, with knowledge that a requirement of this part or a rule adopted under this part is not being enforced by a public officer or employee whose duty it is to enforce the requirement or rule, may bring the failure to enforce to the attention of the public officer or employee by a written statement under oath that shall state the specific facts of the failure to enforce the requirement or rule. Knowingly making false statements or charges in the affidavit subjects the affiant to penalties prescribed ~~under the law of perjury~~ in 45-7-202.

(2) If the public officer or employee neglects or refuses for an unreasonable time after receipt of the statement to enforce the requirement or rule, the resident may bring an action of mandamus in the district court of the first judicial district of this state, in and for the county of Lewis and Clark, or in the district court of the county in which the land is located. The court, if it finds that a requirement of this part or a rule adopted under this part is not being enforced, shall order the public officer or employee whose duty it is to enforce the requirement or rule to perform his duties. If he fails to do so, the public officer or employee shall be held in contempt of court and is subject to the penalties provided by law."

Section 4. Section 82-4-304, MCA, is amended to read:

"82-4-304. Exemption -- works performed prior to promulgation of rules. No provision of this part shall be applicable to any exploration or mining work performed prior to the date of promulgation of the ~~director's~~ board's rules pursuant to 82-4-321."

Section 5. Section 82-4-332, MCA, is amended to read:

"82-4-332. Exploration license. (1) An exploration license shall be issued to any applicant therefor who shall:

(a) pay a fee of $5 to the board;

(b) agree to reclaim any surface area damaged by the applicant during exploration operations, ~~all~~ as may be

reasonably required by the board;

(c) not be in default of any other reclamation obligation under this law.

(2) An application for an exploation license shall be made in writing, notarized, and submitted to the department in duplicate upon forms prepared and furnished by it. The application shall include an exploration map or sketch in sufficient detail to locate the area to be explored and to determine whether significant environmental problems would be encountered. The department shall by ~~rules~~ rule determine the precise nature of such exploration map or sketch. The applicant must state what ~~types~~ type of prospecting and excavation techniques will be employed in disturbing the land.

(3) Upon filing of any certificate of claim location as permitted by federal and state mining laws and regulations, the locator shall provide copies of ~~said~~ the ~~certificates~~ certificate to the board.

(4) Prior to the issuance of an exploration license, the applicant shall file with the department a reclamation and revegetation bond in a form and amount as determined by the department in accordance with 82-4-338.

(5) In the event that the holder of an exploration ~~permit~~ license desires to mine or develop the area covered by the exploration license and has fulfilled all of the

requirements for a development or operating permit, the department may allow the postponement of the reclamation of the acreage explored if that acreage is incorporated into the complete reclamation plan submitted with the application for a development or operating permit. Any land actually affected by exploration or excavation under an exploration license and not covered by the development or operating reclamation plan shall be reclaimed within 2 years after the completion of exploration or abandonment of the site in a manner acceptable to the department."

Section 6. Section 82-10-201, MCA, is amended to read:

"82-10-201. Authorization for lease and terms -- land not subject to leasing. The governing body of any county, city, town, school district, or incorporated political subdivision within the state of Montana may, if ~~deemed--for~~ in the best interests of the county, city, town, school district, or incorporated political subdivision, lease any real property owned by the county, city, town, school district, or incorporated political subdivision for oil and gas development purposes. Such leases shall be made upon the best terms obtainable, shall provide for such terms, except as hereinafter provided, as the governing body shall ~~deem~~ consider to be for the best interests of the county, city, town, school district, or incorporated political subdivision, shall reserve a royalty of not less than

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12 1/2% ~~which shall include~~ any royalty payable to any person other than the lessor, and shall be for a ~~periods~~ period not exceeding 10 years and so long thereafter as oil, gas, or other hydrocarbons shall be produced from the premises embraced in the lease~~,~~. ~~provided, however~~ However, ~~that~~ nothing contained herein shall authorize the leasing of lands acquired by a county by tax deed except under the provisions of ~~[84-4194], which section is hereby declared in full force and effect~~ Title 7, chapter 8, part 25."

Section 7. Section 82-11-131, MCA, is amended to read:

"82-11-131. Privilege and license tax. (1) For the purpose of providing funds for defraying the expenses of the operation and enforcement of this chapter and expenses of the board, ~~the operators and producers~~ an operator or producer of oil and gas shall pay an assessment not to exceed 2/10 of 1% of the market value of each barrel of crude petroleum originally produced, saved and marketed, or stored within the state or exported from the state, and the same rate on the market value of each 10,000 cubic feet of natural gas produced, saved and marketed, or stored within the state or exported therefrom.

(2) The board shall by order, without prior notice or hearing, fix the amount of the ~~assessments~~ assessment and may from time to time, without prior notice or hearing, reduce or increase the amount thereof as, in its judgment,

the expenses chargeable against the oil and gas conservation fund may require~~,~~. ~~however~~ However, the ~~assessments~~ assessment fixed by the board may not exceed the limits prescribed in this section. The ~~amounts~~ amount of the ~~assessments~~ assessment shall be a percentage factor (not to exceed 100%) of the ~~rates~~ rate set forth in subsection (1) above, and the same percentage factor shall be applied by the board in fixing the amount of the assessment on each barrel of crude production and each 10,000 cubic feet of natural gas mentioned in that subsection. ~~The producers~~ A producer of the crude petroleum and natural gas shall pay the ~~assessments~~ assessment on each barrel of crude petroleum and each 10,000 cubic feet of natural gas produced for ~~themselves~~ himself, as well as for ~~others~~ another, including a royalty ~~holders~~ holder, and the ~~producers~~ producer shall be reimbursed for the payments made on crude oil and natural gas produced for ~~others~~ another in the same manner as ~~they are~~ he is reimbursed for net proceeds tax paid on crude petroleum or natural gas produced for ~~others~~ another under 15-23-607.

~~(3) For the purposes of this section, a "lease" means that particularly described tract of land contained in a contract in writing whereby a person having a legal estate in the land so described conveys a portion of his interest to another in consideration of a certain rental or other~~

~~recompense or consideration. Further, for the purposes of this section, leases owned or operated by one lessee which in whole or in part cover or affect an underground reservoir containing a common accumulation of crude petroleum, oil, or natural gas, or both, or which are encompassed within or affected by one particular unit agreement shall be considered as one lease relative to payments to be made under this section.~~"

Section 8. Section 82-15-202, MCA, is amended to read:

"82-15-202. Purpose. This part is intended to compel a ~~persons~~ person, ~~firms~~ firm, ~~companies~~ company, ~~associations~~ association, ~~and corporations~~ or corporation doing business in the state of Montana and engaged in the selling of and dealing in standard petroleum products to treat ~~all customers~~ a customer in one part of the state of Montana on an equal basis with ~~all customers~~ a customer in ~~other parts~~ another part of the state ~~of Montana~~ or in the nearest adjoining state and to promote the uniform application of the law of the state of Montana providing a tax on ~~all~~ gasoline used by a motor ~~vehicles~~ vehicle when traveling over ~~the~~ a public ~~highways~~ highway. This part shall be liberally construed to accomplish those purposes."

-End-

SB 119

46th LEGISLATIVE SESSION

COMMITTEE ON Natural Resources

SENATE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON-CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON-CURRED IN DATE
		1-10 subcom.							
44	1-3-79	2-16-79	2-16-79			2-16-79			
103	1-15-79	1-19-79	1-19-79	1-19-79					
105	1-15-79	1-22-79	1-22-79		amended 1-22-79				
118	1-17-79	1-22-79	1-22-79	1-22-79					
246	1-24-79	2-12-79	2-12-79			2-12-79			
185	1-29-79	2-7-79	2-7-79			2-7-79			
320	1-31-79	2-7-79 2-9-79	2-9-79			2-9-79			
323	1-31-79	2-7-79 2-9-79	2-9-79			2-9-79			
368	2-5-79	2-9-79 2-14-79	2-14-79		2-14-79				
423	2-9-79	2-14-79	2-14-79	2-14-79					
449	2-10-79	2-16-79	2-16-79	2-16-79					
453	2-10-79	2-16-79	2-16-79	2-16-79					
464	2-12-79	2-19-79	2-19-79	2-19-79					
469	2-12-79	2-16-79	2-16-79		2-16-79				
478	2-12-79	2-16,17-79 2-19-79	2-19-79		amended 2-19-79				
480	2-12-79	2-16,17-79 2-19-79	2-19-79		amended 2-19-79				

Use Separate Sheet for Senate, House Bills, and Resolutions)

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OF MONTANA

8

MINUTES OF THE MEETING
NATURAL RESOURCES
STATE SENATE

January 22, 1979

The third meeting of the Natural Resources Committee was called to order by Senator George F. Roskie, Chairman, at 1:35 P.M., on the above date in Room 405 of the State Capitol Building.

ROLL CALL: Upon roll call, all members were present with the exception of Senators Etchart, Lockrem, Story and Thiessen. Senator Stan Stevens, majority leader of the Senate, sat in temporarily as a committee member.

Mr. Jim Lear, Staff Attorney of the Legislative Council, was also present. See attached visitors' register for the names of visitors present.

CONSIDERATION OF SB 118: Chairman Roskie introduced Senator Harold Nelson, District 7, to explain SB 118. Senator Nelson then introduced Jim Lear, Staff Attorney for the Natural Resources Committee, to explain SB 118 to the Committee. Staff Attorney Jim Lear, representing the Code Commissioner, commented on the changes being proposed by SB 118.

At this point Senator Thiessen and Senator Story arrived.

Chairman Roskie called for further proponents to SB 118. Hearing none, Chairman Roskie called for any opponents to SB 118. Hearing none, Chairman Roskie opened the hearing to questions from the Committee.

Don Allen, Montana Petroleum Association, asked Jim Lear, Staff Attorney, about the language in section 4, page 4, line 18, of SB 118 and the effect of the change upon rules adopted earlier by the board. A discussion ensued in which Senator Brown, Leo Berry, Department of State Lands, and Steve Williams, Anaconda Company, all responded to his question and offered further information verifying that the amendment would have no "grandfathering" effect.

DISPOSTION OF SB 118: Senator Lowe then moved that SB 118 receive a DO PASS recommendation and Senator Dover seconded the motion. Motion carried unanimously.

Senator Lowe moved that SB 118 be put on the consent calendar. Senator Dover seconded the motion. All senators with the exception of Senator Story voted to put SB 118 on the consent calendar. Because of the one declining vote, SB 118 will not go on the consent calendar.

CONSIDERATION OF SB 105: Chairman Roskie then closed the hearing on SB 118 and opened the hearing for SB 105. Chairman Roskie introduced Senator Steve Brown, District 15, to ex-

Date 1/25/79

ROLL CALL

Natural Resources COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
ROSKIE, George F., Chairman	✓		
DOVER, Harold L., Vice-Chairman	✓		
BROWN, Steve	✓		
ETCHART, Mark		✓	
JERGESON, Greg	✓		
LOCKREM, Lloyd C., Jr.		✓	
LOWE, William R.	✓		
MANLEY, John E.	✓		
STORY, Pete		✓	
THIESSEN, Cornie R.		✓	

Each Day Attach to Minutes.

SENATE

SENATE N.R. Resources COMMITTEE

BILL SB 118 VISITORS' REGISTER DATE 1/22/19

Please note bill no.

NAME	REPRESENTING	BILL #	(check one) SUPPORT	OPP
Don J Allen	Mont. Pet. Council	SB118	✓	
Tom Bo[illegible]	EQC			
Bill Harbeck	EQC			
[illegible]	[illegible]	SB105		
[illegible]	[illegible]			
[illegible]	[illegible]			
Steve Williams	ANACONDA Co	SB105		
[illegible]	Dept Fish [illegible]	SB105		
John North	State Land Dept	SB105		
KEVIN KEENAN	WATER QUALITY BUREAU	SB105	✓	
Sue Lamont	ETC			
[illegible]	Mt. Coal Council	SB105		
Orion, Monroe	ETC	SB105		
Richard W Gilbert	Self Legis Aide			
Peggy Christensen	Self			
[illegible]	Self			
James K Lear	Code Commissioner	SB118	✓	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

NAME: James H. Lear DATE: 1/22/79

ADDRESS: Clancy, Montana

PHONE: 449-3064

REPRESENTING WHOM? Code Commissioner

APPEARING ON WHICH PROPOSAL: SB 118

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NATURAL RESOURCES COMMITTEE

46__ Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 118	Act to generally revise and clarify the laws relating to minerals, oil, and gas.	Jan. 29	Nelson	March 5	Be Concurred In Consent Calendar	Mar. 5
HB 534	To further define 'Recognized Nonfossil Forms of Energy Generation' to include passive solar energy	Feb. 2	McBride	Feb. 7	Referred to Taxation	Feb. 7
HB 554	Act providing for the organ., financing, admin., operation and maintenance of a county alternative energy district; etc.	Feb. 3	Vincent		Rereferred to Local Gov.	Feb. 5
HB 555	Act to prohibit the DNC&C from constructing, operating and maintaining water projects for the development of power.	Feb. 3	Hand	Feb. 12	Do pass as Amended	Feb. 14
HB 563	Act to create a recreational waterway system for the purpose of giving the general public the right to use for outdoor recreational purposes certain waters of the state	Feb. 3	Dozier	Feb. 9	DO NOT PASS	Feb. 9
HJR 26	Encourages the examination of the impact of more restrictive occupational and health stand[illegible]dence that	Feb. 3	Donaldson	Feb. 9	Do pass	Feb. 14

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Senate BILL NO. 118

INTRODUCED BY NELSON

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO MINERALS, OIL, AND GAS; AMENDING SECTIONS 82-1-108, 82-4-142, 82-4-252, 82-4-304, 82-4-332, 82-10-201, 82-11-131, AND 82-15-202, MCA."

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(2) Such person, firm, or corporation shall file with ~~said~~ the county clerk and recorder a record showing the location of each ~~such~~ shotpoint and date fired within a maximum area of any square, 4-section area of land, upon written request ~~therefor by said~~ of the county clerk and recorder, ~~which~~ The request must be based upon the complaint of a property owner that physical ~~damages~~ damage to ~~such~~ his property ~~have arisen by reason of~~ has resulted from the use of the seismograph and explosives in ~~such~~ geophysical operations at some location within ~~said~~ the maximum 4-square mile area, and ~~such written notice~~ the request shall designate the name and address of the complaining person and ~~shall describe~~ the approximate date ~~of the alleged damages~~ and ~~the~~ nature of the alleged damages. The required record of operations in response to ~~such written demand therefor by~~ the request of the county clerk and recorder shall be supplied within 10 days from the date on which ~~such written demand~~ the request is received."

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SB 118
THIRD READING

LC 0033/01

(2) If the public officer or employee neglects or refuses for an unreasonable time after receipt of the statement to enforce the requirement or rule, the resident may bring an action of mandamus in the district court of the first judicial district of this state in and for the county of Lewis and Clark or in the district court of the county in which the land is located. ~~The~~ If the court, ~~if it~~ finds that a requirement of this part or a rule adopted under this part is not being enforced, it shall order the public officer or employee whose duty it is to enforce the requirement or rule to perform his duties. If he fails to do so, the public officer or employee shall be held in contempt of court and is subject to the penalties provided by law."

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reasonably required by the board;

(c) not be in default of any other reclamation obligation under this law.

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SB 118

12 1/2% which shall include any royalty payable to any person other than the lessor, and shall be for a ~~periods~~ period not exceeding 10 years and so long thereafter as oil, gas, or other hydrocarbons shall be produced from the premises embraced in the lease~~t~~. ~~provided, however~~ However, ~~that~~ nothing contained herein shall authorize the leasing of lands acquired by a county by tax deed except under the provisions of ~~[84-4194] which section is hereby declared in full force and effect~~ Title 7, chapter 8, part 25."

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-End-

SB118

March 5, 1979

The Natural Resources Committee of the House convened on March 5, 1979, at 12 p.m., in room 3 of the Capital Annex, with Chairman Shelden presiding and fifteen members present (Rep. Quilici, excused; and Reps. Johsnton, Huennekens and Burnett absent). Chairman Shelden opened the meeting to a hearing on the following bills:

SENATE BILL 118

SENATOR HAROLD NELSON, Senate District 7, the bill's chief sponsor, introduced Jim Lahr and said he would explain the bill.

JIM LAHR, staff attorney representing the Code Commissioner, passed to the members copies of a summary of the changes made to the statutes by this bill. A copy of this is exhibit 1 and part of the minutes. He went through the changes outlined on the summary. He said he would be happy to answer any questions.

SENATE BILL 103

SENATOR STEVE BROWN, Senate District 15, the chief sponsor, said this bill was requested by the Department of State Lands and clarifies water and air quality requirements in the Hard Rock Mining Act.

CHARLOTTE K. EASTER, Environmental Information Center, said they support this bill.

STEVE DOUGHERTY, Northern Plains Resource Council, said they support this clarification language for the Hard Rock Mining Act.

During questions Rep. McBride asked if Senator Brown could foresee laws regarding ground water being addressed in this particular law. Senator Brown said yes--he didn't know how many years it would be.

EXECUTIVE SESSION

SENATE BILL 103 Rep. Fagg moved be concurred in. Motion carried unanimously with those present (absent same as above. Representative Fagg will carry the bill.

SENATE BILL 118 Rep. Harper moved be concurred in. Motion carried unanimously with those present. Rep. Cooney moved the bill be placed on the consent calendar and this motion carried unanimously with those present. Rep. Harper will carry the bill on the floor.

Meeting adjourned at 12:30 p.m.

Respectfully submitted,

ARTHUR H. SHELDEN, Chairman

Edwin A. Sairs, Sec.

SENATE BILL NO. 118

INTRODUCED BY NELSON

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO MINERALS, OIL, AND GAS; AMENDING SECTIONS 82-1-108, 82-4-142, 82-4-252, 82-4-304, 82-4-332, 82-10-201, 82-11-131, AND 82-15-202, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 82-1-108, MCA, is amended to read:

"82-1-108. Filing record of work performed. (1) Within 3 months from the day any firing of shotpoints in ~~such~~ geophysical exploration is done by any person, firm, or corporation within this state, such person, firm, or corporation shall file with the county clerk and recorder of the county in which ~~such~~ the work was done a record showing each township and range within ~~said~~ the county in which ~~such~~ the work was performed and the approximate date ~~at~~ on which ~~such~~ the work was performed.

(2) Such person, firm, or corporation shall file with ~~said~~ the county clerk and recorder a record showing the location of each ~~such~~ shotpoint and date fired within a maximum area of any square, 4-section area of land, upon written request ~~therefor by said~~ of the county clerk and recorder, ~~which~~ the request must be based upon the complaint of a property owner that physical ~~damages~~ damage to ~~such~~ his property ~~have arisen by reason of~~ has resulted from the use of the seismograph and explosives in ~~such~~ geophysical operations at some location within ~~said~~ the maximum 4-square mile area, and ~~such written notice~~ the request shall designate the name and address of the complaining person and ~~shall describe~~ the approximate date ~~of the alleged damages~~ and the nature of the alleged damages. The required record of operations in response to ~~such written demand therefor by~~ the request of the county clerk and recorder shall be supplied within 10 days from the date on which ~~such written demand~~ the request is received."

Section 2. Section 82-4-142, MCA, is amended to read:

"82-4-142. Mandamus to compel enforcement. (1) A resident of this state, with knowledge that a requirement of this part or a rule adopted under this part is not being enforced by a public officer or employee whose duty it is to enforce the requirement or rule, may bring the failure to enforce to the attention of the public officer or employee by a written statement under oath that shall state the specific facts of the failure to enforce the requirement or rule. Knowingly making false statements or charges in the affidavit subjects the affiant to penalties prescribed under the law of perjury in 45-7-202.

(2) If the public officer or employee neglects or refuses for an unreasonable time after receipt of the statement to enforce the requirement or rule, the resident may bring an action of mandamus in the district court of the first judicial district of this state in and for the county of Lewis and Clark or in the district court of the county in which the land is located. ~~The~~ If the court, ~~if it~~ finds that a requirement of this part or a rule adopted under this part is not being enforced, it shall order the public officer or employee whose duty it is to enforce the requirement or rule to perform his duties. If he fails to do so, the public officer or employee shall be held in contempt of court and is subject to the penalties provided by law."

Section 3. Section 82-4-252, MCA, is amended to read:

"82-4-252. Mandamus. (1) A resident of this state, with knowledge that a requirement of this part or a rule adopted under this part is not being enforced by a public officer or employee whose duty it is to enforce the requirement or rule, may bring the failure to enforce to the attention of the public officer or employee by a written statement under oath that shall state the specific facts of the failure to enforce the requirement or rule. Knowingly making false statements or charges in the affidavit subjects the affiant to penalties prescribed ~~under the law of perjury~~ in 45-7-202.

(2) If the public officer or employee neglects or refuses for an unreasonable time after receipt of the statement to enforce the requirement or rule, the resident may bring an action of mandamus in the district court of the first judicial district of this state, in and for the county of Lewis and Clark, or in the district court of the county in which the land is located. The court, if it finds that a requirement of this part or a rule adopted under this part is not being enforced, shall order the public officer or employee whose duty it is to enforce the requirement or rule to perform his duties. If he fails to do so, the public officer or employee shall be held in contempt of court and is subject to the penalties provided by law."

Section 4. Section 82-4-304, MCA, is amended to read:

"82-4-304. Exemption -- works performed prior to promulgation of rules. No provision of this part shall be applicable to any exploration or mining work performed prior to the date of promulgation of the ~~director's~~ board's rules pursuant to 82-4-321."

Section 5. Section 82-4-332, MCA, is amended to read:

"82-4-332. Exploration license. (1) An exploration license shall be issued to any applicant therefor who shall:

(a) pay a fee of $5 to the board;

(b) agree to reclaim any surface area damaged by the applicant during exploration operations, ~~all~~ as may be

reasonably required by the board;

(c) not be in default of any other reclamation obligation under this law.

(2) An application for an exploation license shall be made in writing, notarized, and submitted to the department in duplicate upon forms prepared and furnished by it. The application shall include an exploration map or sketch in sufficient detail to locate the area to be explored and to determine whether significant environmental problems would be encountered. The department shall by ~~rules~~ rule determine the precise nature of such exploration map or sketch. The applicant must state what ~~types~~ type of prospecting and excavation techniques will be employed in disturbing the land.

(3) Upon filing of any certificate of claim location as permitted by federal and state mining laws and regulations, the locator shall provide copies of ~~said~~ the ~~certificates~~ certificate to the board.

(4) Prior to the issuance of an exploration license, the applicant shall file with the department a reclamation and revegetation bond in a form and amount as determined by the department in accordance with 82-4-338.

(5) In the event that the holder of an exploration ~~permit~~ license desires to mine or develop the area covered by the exploration license and has fulfilled all of the

requirements for a development or operating permit, the department may allow the postponement of the reclamation of the acreage explored if that acreage is incorporated into the complete reclamation plan submitted with the application for a development or operating permit. Any land actually affected by exploration or excavation under an exploration license and not covered by the development or operating reclamation plan shall be reclaimed within 2 years after the completion of exploration or abandonment of the site in a manner acceptable to the department."

Section 6. Section 82-10-201, MCA, is amended to read:

"82-10-201. Authorization for lease and terms -- land not subject to leasing. The governing body of any county, city, town, school district, or incorporated political subdivision within the state of Montana may, if ~~deemed--for~~ in the best interests of the county, city, town, school district, or incorporated political subdivision, lease any real property owned by the county, city, town, school district, or incorporated political subdivision for oil and gas development purposes. Such leases shall be made upon the best terms obtainable, shall provide for such terms, except as hereinafter provided, as the governing body shall ~~deem~~ consider to be for the best interests of the county, city, town, school district, or incorporated political subdivision, shall reserve a royalty of not less than

12 1/2% which shall include any royalty payable to any person other than the lessor, and shall be for ~~a period~~ period not exceeding 10 years and so long thereafter as oil, gas, or other hydrocarbons shall be produced from the premises embraced in the lease~~, provided, however~~ However, ~~that~~ nothing contained herein shall authorize the leasing of lands acquired by a county by tax deed except under the provisions of ~~[84-4194], which section is hereby declared in full force and effect~~ Title 7, chapter 8, part 25."

Section 7. Section 82-11-131, MCA, is amended to read:

"82-11-131. Privilege and license tax. (1) For the purpose of providing funds for defraying the expenses of the operation and enforcement of this chapter and expenses of the board, ~~the operators and producers~~ an operator or producer of oil and gas shall pay an assessment not to exceed 2/10 of 1% of the market value of each barrel of crude petroleum originally produced, saved and marketed, or stored within the state or exported from the state, and the same rate on the market value of each 10,000 cubic feet of natural gas produced, saved and marketed, or stored within the state or exported therefrom.

(2) The board shall by order, without prior notice or hearing, fix the amount of the ~~assessments~~ assessment and may from time to time, without prior notice or hearing, reduce or increase the amount thereof as, in its judgment,

the expenses chargeable against the oil and gas conservation fund may require~~, however~~ However, the ~~assessments~~ assessment fixed by the board may not exceed the limits prescribed in this section. The ~~amounts~~ amount of the ~~assessments~~ assessment shall be a percentage factor (not to exceed 100%) of the ~~rates~~ rate set forth in subsection (1) above, and the same percentage factor shall be applied by the board in fixing the amount of the assessment on each barrel of crude production and each 10,000 cubic feet of natural gas mentioned in that subsection. ~~The producers~~ A producer of the crude petroleum and natural gas shall pay the ~~assessments~~ assessment on each barrel of crude petroleum and each 10,000 cubic feet of natural gas produced for ~~themselves~~ himself, as well as for ~~others~~ another, including a royalty ~~holders~~ holder, and the ~~producers~~ producer shall be reimbursed for the payments made on crude oil and natural gas produced for ~~others~~ another in the same manner as ~~they are~~ he is reimbursed for net proceeds tax paid on crude petroleum or natural gas produced for ~~others~~ another under 15-23-607.

~~(3) For the purposes of this section, a "lease" means that particularly described tract of land contained in a contract in writing whereby a person having a legal estate in the land so described conveys a portion of his interest to another in consideration of a certain rental or other~~

~~recompense or consideration. Further, for the purposes of this section, leases owned or operated by one lessee which in whole or in part cover or affect an underground reservoir containing a common accumulation of crude petroleum, oil, or natural gas, or both, or which are encompassed within or affected by one particular unit agreement shall be considered as one lease relative to payments to be made under this section.~~"

Section 8. Section 82-15-202, MCA, is amended to read:

"82-15-202. Purpose. This part is intended to compel a ~~persons~~ person, ~~firms~~ firm, ~~companies~~ company, ~~associations~~ association, ~~and corporations~~ or corporation doing business in the state of Montana and engaged in the selling of and dealing in standard petroleum products to treat ~~all customers~~ a customer in one part of the state of Montana on an equal basis with ~~all customers~~ a customer in ~~other parts~~ another part of the state ~~of Montana~~ or in the nearest adjoining state and to promote the uniform application of the law of the state of Montana providing a tax on ~~all~~ gasoline used by a motor ~~vehicles~~ vehicle when traveling over ~~the~~ a public ~~highways~~ highway. This part shall be liberally construed to accomplish those purposes."

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